

P-405/CP-91-236 ORDER ALLOWING WITHDRAWAL OF PETITION AND CLOSING  
DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner

In the Matter of a Petition for  
Extended Area Service from Leota  
to Chandler

ISSUE DATE: December 16, 1992

DOCKET NO. P-405/CP-91-236

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PETITION AND CLOSING DOCKET

**PROCEDURAL HISTORY**

On March 18, 1992, the Commission issued its ORDER REQUIRING COST STUDIES AND PROPOSED RATES in this docket. In that Order the Commission required Vista Telephone Company (Vista) to file cost studies and proposed rates for the proposed extended area service (EAS) route between Leota and Chandler.

On May 18, 1992, Vista filed costs and proposed rates, which were updated on June 1, 1992.

On July 16, 1992, the Department of Public Service (the Department) submitted comments regarding Vista's filing.

On August 26, 1992, the EAS petition organizer, Mr. Harvey Scholten, filed a letter requesting that the EAS proceeding be terminated. Mr. Scholten indicated that the proposed rates did not seem feasible to the petitioning subscribers, many of whom are retired persons living on fixed incomes.

On September 15, 1992, the Commission met to consider Mr. Scholten's request to terminate the EAS proceeding. As a result of the Commission meeting, Commission staff sent written notice to all signers of the EAS petition, requesting a response by October 30, 1992 if any petitioner opposed withdrawal of the petition. No response was received from any petitioner.

The Commission met a second time on December 8, 1992 to consider Mr. Scholten's request to terminate the EAS proceedings, or in the alternative, to consider the proposed cost studies and rates.

## FINDINGS AND CONCLUSIONS

Mr. Harvey Scholten, an EAS petition sponsor, has asked the Commission to approve his withdrawal of the EAS petition and to terminate the EAS proceedings. At this point in the proceedings, the Commission has made findings of adjacency and traffic volume sufficiency for the Leota-Chandler EAS route. Cost studies and proposed rates have been submitted to the Commission. The cost studies and proposed rates have not yet been approved by the Commission, and polling of the subscribers has not taken place.

Under Minn. Rules, part 7815.0700, Mr. Scholten as petition sponsor is responsible for gathering the requisite number of subscriber signatures for the petition, and for certifying as to the validity of the signatures. In his role as petition sponsor, Mr. Scholten represents the petitioning subscribers and has brought the petition before the Commission. At this point in the EAS proceedings, the petitioners may only act through Mr. Scholten. The Commission therefore finds that in this set of circumstances Mr. Scholten has the authority to withdraw his petition and thereby terminate the EAS proceedings.

The Commission notes that any other subscriber in the Leota or Chandler exchanges is free to gather the requisite signatures and bring a petition before the Commission. Because no final Order granting or denying a petition was made in this proceeding, there is no waiting period required for a second petition under Minn. Rules, part 7815.1500.

## ORDER

1. Mr. Harvey Scholten's request to withdraw his EAS petition is approved.
2. Docket No. P-405/CP-91-236 is closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)